



COMMONWEALTH of VIRGINIA

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July 10, 2007

James R. Stewart, Ph.D..
1110 Montgomery Avenue
Staunton, VA 24401

RE: License No.: 0810-001945
Case No.: 109769

CERTIFIED MAIL

Certified Article Number

7160 3901 9849 4237 3204

SENDERS RECORD

Dear Dr. Stewart:

Enclosed is a certified true copy of the Order entered by the Board of Psychology on
July 10, 2007.

Should you have any questions, please contact me at (804) 662-9575.

Sincerely,

Patricia L. Larimer
Deputy Executive Director
Virginia Board of Psychology

Enclosure

cc: Gerald C. Canaan, II, Esquire
Anne Joseph, Deputy Director, Administrative Proceedings Division
Peter Oppen, Adjudication Specialist, Administrative Proceedings Division
Susan Brooks, Office Manager, Administrative Proceedings Division
Robin B. Hamilton, R.N., Senior Investigator (Case # 109769)
James Schliessmann, Assistant Attorney General

VIRGINIA:

BEFORE THE BOARD OF PSYCHOLOGY

IN RE:

JAMES STEWART, PH.D.

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Psychology ("Board") on May 4, 2007, in Henrico County, Virginia, to receive and act upon evidence that Dr. Stewart may have violated certain laws and regulations governing the practice of psychology in Virginia. Members of the Board serving on the Special Conference Committee ("Committee") were: Ann T. Benson, Ed.S., Chairman; and Robert S. Falk, Ph.D. . Dr. Stewart was present and was not represented by counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. James Stewart, Ph.D., was issued License No. 0810-001945 to practice clinical psychology by the Virginia Board of Psychology on March 17, 1993.¹ Said license expired on June 30, 2007, due to Dr. Stewart's failure to renew.
2. From 1999 to 2004, Dr. Stewart provided therapy to Patient A and her family, during which time he developed an intimate knowledge of the family system. Dr. Stewart, while acting as therapist to Patient A, by his own admission, slept in the same bed with Patient A, acted amorously toward her, and borrowed her car.
3. Shortly after providing ten years of weekly, individual psychotherapy to Patient B, Dr. Stewart moved into said patient's home from approximately the summer of 2002, until August, 2003.

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During that time, he occupied a room in the patient's home without paying rent, used said patient's credit card for his own purchases on one occasion, and borrowed money.

4. Dr. Stewart abused cocaine, as evidenced by the following:

a. On or about in August, 1999, Dr. Stewart told the Emergency Room staff of the University of Virginia Medical Center that he used cocaine. At the informal conference, he admitted to drinking alcohol as well as using cocaine in 1999. At that time, Dr. Stewart agreed to seek substance abuse counseling but did not do so.

b. In April, 2005, Dr. Stewart told Patient A that he had a problem with crack cocaine.

c. At the conclusion of Dr. Stewart's hospitalization at Martha Jefferson Hospital, Charlottesville, Virginia, on July 26, 2005, his physician included "substance abuse" as one of his discharge diagnoses, and recommended his participation in Narcotics Anonymous.

5. By his own admission, Dr. Stewart had Patient A help him transport boxes of labeled patient files from one building to another. Said patient carried boxes of client files from one storage area to a basement in his home, and had access to these confidential files.

6. Dr. Stewart's therapy records for Patients A and B are inadequate in that:

a. His therapy notes for Patient A and her family were extremely brief, failing to outline goals and objectives or a treatment plan.

b. His therapy records for Patient B, covering ten years of weekly psychotherapy, from 1993 to 2002, have major time gaps in entries and contain minimal information regarding treatment goals and methods. Although sessions with Patient B allegedly ended in 2002, there are no notes documenting a therapeutic termination process with this long-term patient.

CONCLUSIONS OF LAW

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1. Finding of Fact #2 constitutes a violation of 18 VAC 125-20-150(B)(5), (6) and (8) and 18 VAC 125-20-160(4) of the Board of Psychology Regulations (“Regulations”).
2. Finding of Fact #3 constitutes a violation of 18 VAC 125-20-150(B)(5) and (6) and 18 VAC 125-20-160(4) of the Regulations.
3. Finding of Fact #4 constitutes a violation of 18 VAC 125-20-160(3) of the Regulations.
4. Finding of Fact #5 constitutes a violation of 18 VAC 125-20-150(B)(9) and 18 VAC 125-20-160(4) of the Regulations.
5. Finding of Fact #6 constitutes a violation of 18 VAC 125-20-150(B)(13) and 18 VAC 125-20-160(4) of the Regulations.

CONSENT

James Stewart, L.C.P., by affixing his signature hereon, agrees to the following:

1. Dr. Stewart has been advised to seek advice of counsel prior to signing this document;
2. Dr. Stewart acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. Dr. Stewart acknowledges that he has the following rights, among others:
 - a. the right to a formal administrative hearing before the Board;
 - b. the right to reasonable notice of said hearing
 - c. the right to representation by counsel; and
 - d. the right to cross-examine witnesses against him;
4. Dr. Stewart waives all such rights to a formal administrative hearing;
5. Dr. Stewart neither admits nor denies the Findings of Fact contained herein but waives his right to contest such Findings of Fact in any subsequent proceeding before the Board;

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6. Dr. Stewart consents to the entry of the following Order affecting his right to practice clinical psychology in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Psychology, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS that the right to renew License No. 0810-001945, issued to James R. Stewart, to practice clinical psychology in the Commonwealth of Virginia, be and hereby is, REVOKED.

Upon entry of this Order, the license of James R. Stewart will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, the Board may consider an application for reinstatement of a license after a period of three years and upon payment of the fees prescribed by the Board. The reinstatement of said license shall require the affirmative vote of three-fourths of the Board members at a meeting.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD



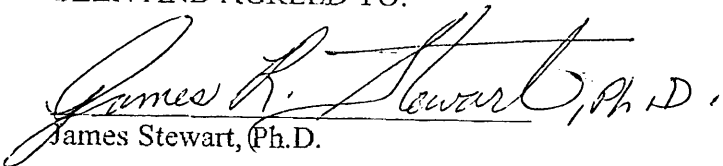
Ann T. Benson, Ed.S.
Chair, Virginia Board of Psychology

ENTERED:



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SEEN AND AGREED TO:


James Stewart, (Ph.D.)

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Rockingham, TO WIT:

Subscribed and sworn to before me, Leticia A Gill, a Notary Public, this 3rd day of July, 2007.

My commission expires September 30, 2009


NOTARY PUBLIC